

REMARKS/ARGUMENTS

The Non-Final Office Action of August 17, 2010 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 2, 5, 8, 9, 11 and 16-26 were pending in the Office Action. Upon entry of the present paper, claims 16 and 17 are canceled, and claims 1, 8, 18 and 19 are amended. No new matter has been introduced. Reconsideration and allowance of the instant application are respectfully requested.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, the claims were treated as follows:

- Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 6,463,454 B1 to Lumelsky et al. (“Lumelsky”) in view of U.S. Publication No. 2004/0153207 A1 to Peck (“Peck”).
- Claims 5 and 25 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Lumelsky in view of U.S. Patent No. 6,275,496 B1 to Burns et al. (“Burns”).
- Claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Publication No. 2002/0069420 A1 to Russell et al. (“Russell”) in view of Peck and further in view of U.S. Patent No. 6,088,451 to He et al. (“He”).
- Claim 11 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Russell in view of Burns.
- Claim 18 was rejected as being allegedly unpatentable over U.S. Patent No. 5,781,910 to Gostanian et al. (“Gostanian”) in view of U.S. Publication No. 2005/0050218 A1 to Sheldon (“Sheldon”) in view of U.S. Publication No. 2004/0193712 A1 to Benenati et al. (“Benenati”) and further in view of He.
- Claims 16, 17 and 19 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Gostanian in view of Burns.

- Claims 20 and 21 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Gostanian in view of U.S. Publication No. 2005/0102297 A1 to Lloyd et al. (“Lloyd”).
- Claims 22-24 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Russell in view of U.S. Patent No. 6,201,536 B1 to Hendricks et al. (“Hendricks”).
- Claim 26 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Russell in view of U.S. Publication No. 2002/0188732 A1 to Buckman et al. (“Buckman”).

Applicants respectfully traverse these rejections, especially insofar as they may be applied to the claims as amended herein.

Independent Claim 1 and Dependent Claims 2, 5 and 22-25

Amended independent claim 1 recites, among other features, the following (emphasis added):

providing a policy to a facility, the policy defining two sets of rules for handling database transaction approvals requested by the facility from a database at the time of a request for content download, a first set of rules governing normal operation when communication with the database is successful, and failsoft rules governing limited transaction approval in the event of a communication failure between the facility and the database at a time of a content download request, wherein the limited transaction approval includes a purchase cost limit.

None of the applied references teach or suggest the amended claim 1 method. The primary reference, Lumelsky, does not provide the recited two sets of rules, and in particular the recited failsoft rules. In the Office Action, the Office noted the transactions discussed at col. 15, lines 44 to col. 16, line 10. In that portion, Lumelsky discusses an admission control procedure that is illustrated in its Fig. 7 (reproduced below).

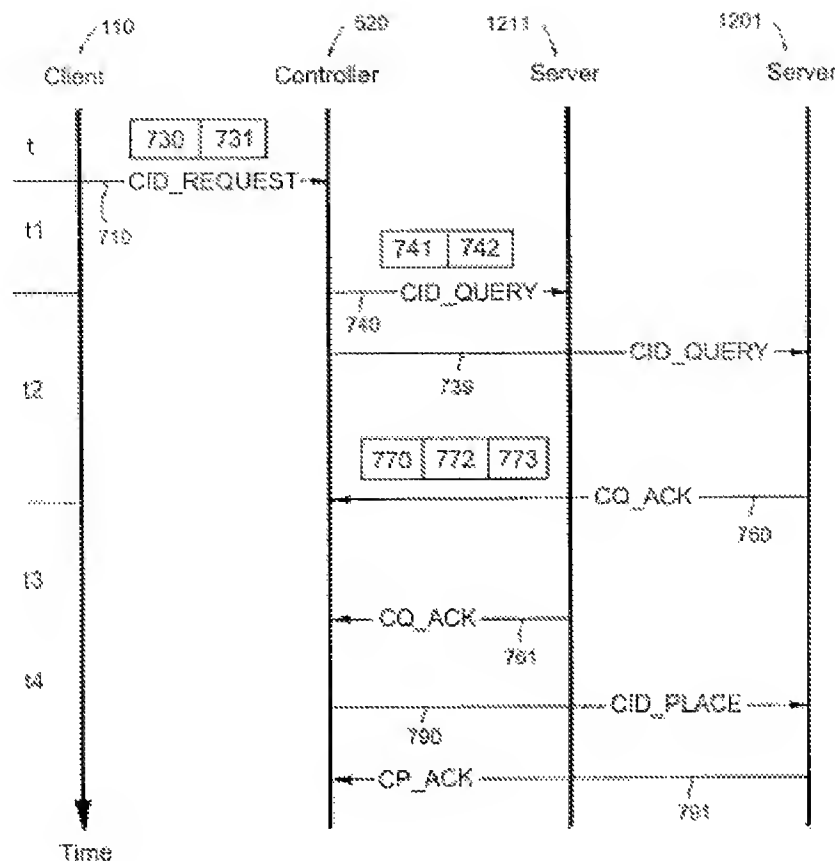


FIG. 7

As illustrated, the Lumelsky process begins when a client requests resources from a controller using its CID_REQUEST. The controller transmits multiple inquiries to servers who can supply the resource using the CID_QUERY messages. Each server responds with a CQ_ACK message, and the controller sends a CID_PLACE message to the server that is chosen to handle the request. However, there were no two rules for handling transaction approvals to any of the servers, and in particular no rule for handling a database approval for when communication with that database has failed. For example, if communication between one of the Lumelsky servers and the controller has failed, there is no rule governing how that request could nevertheless be granted. Instead, that CID_QUERY would simply never be acknowledged, and a different request to a different server would end up being acknowledged.

Additionally, amended independent claim 1 recites “wherein the limited transaction approval includes a purchase cost limit.” Lumelsky does not include such a purchase cost limit in any limited transaction approval.

The other references do not overcome these deficiencies, even if combined with Lumelsky. For example, He et al. mentions a default decision of granting access (col. 15, lines 38-40), but there is no two sets of rules recited, and also no limited transaction approval with a purchase cost limit, as recited. Russell et al. discusses delivery of content using servers, but also does not have the two sets of rules recited. Indeed, Russell et al. appears to address failures by having redundancy in its systems (para. 0116], and not by providing any sets of failsoft rules as recited. Another reference, Gostanian et al., also appears to use the duplication approach to addressing faults, with its replicated databases, and similarly does not use the recited sets of rules and failsoft features recited herein.

Peck deals with a warehouse inventory system in which devices sound alarms when a communication failure occurs (para. 0064]. There is no teaching of the two sets of rules, or limited transaction approvals when the failure occurs. The final reference, Burns et al., is only cited for a headend, and similarly lacks the recited sets of rules and failsoft operation recited.

Accordingly, Applicants submit that amended independent claim 1 distinguishes over the applied references. Claims 2, 5 and 22-25 depend from claim 1, and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein.

Independent Claim 8 and Dependent Claims 9, 11 and 26

Amended independent claim 8 recites, among other features, the following (emphasis added): “receiving, at a facility computing device, a set of failsoft rules, the rules defining a communication failure content download cost limit.”

The Office primarily relies on Russell et al. in rejecting claim 8, but for the previously-recited failsoft rules, the Office cites Peck and He et al. instead. None of these references shows the recited communication failure content download cost limit as part of the recited failsoft rules. Peck describes a warehouse inventory system, and notes that an audio/visual message (e.g., an alarm) can be generated in the event of a communication failure. Peck, para. 0064. That

message, however, does not define any sort of communication failure content download cost limit.

The He et al. reference also does not show this feature. He et al. discusses server failure beginning at col. 15, line 35, and mentions a default decision that grants access in the event of a network failure. That default granting of access, however, does not disclose the recited failsoft rules and communication failure content download cost limit.

The other references, even if combined, also do not overcome these deficiencies. Russell et al. and Gostanian et al. describe redundancy as a way to combat failures, but do not offer failsoft rules having the recited communication failure content download cost limit. Burns et al. is only cited for a headend, and does not show the failsoft rules and communication failure content download cost limit, while Lemelsky does not address failsoft rules for the recited communication failures (instead, as noted above, Lemelsky simply transmits its queries to multiple servers, and picks one from the ones that response – a communication failure would simply result in no response).

Accordingly, Applicants submit that amended independent claim 8 distinguishes over the applied references. Claims 9, 11 and 26 depend from claim 8, and are distinguishable for at least the same reasons, and further in view of the various features recited therein.

Independent Claim 18 and Dependent Claims 19-21

Amended independent claim 18 recites, among other features, the following (emphasis added):

receiving, at a first computing device, a user request for downloading content, wherein access to the content requires the device to request authorization from a central facility database; and
determining that a communication failure exists between the computing device and the central facility at the time of a content download request; and
granting limited approval to the request and limiting the download to a predetermined communication failure cost limit established in a communication failure content download failsoft rule.

None of the applied references, alone or in combination, shows such a method. For example, none of the references shows a communication failure content download failsoft rule establishing a predetermined communication failure cost limit.

Russell et al. and He et al. address failure using network redundancy, without such a communication failure content download rule. Lemelsky does not have such a rule, since a communication failure with a server would simply mean that the server does not respond with an acknowledgement or candidate admission (instead, the controller will simply select a server that did respond). Peck's communication failure results in sending an error message (para. 0064), and there is no communication failure content download failsoft rule establishing a predetermined cost limit, and Burns et al. is simply cited for a headend, and also does not show the recited rule.

Accordingly, Applicants submit that amended claim 18 distinguishes over the applied references. Claims 19-21 also depend from claim 18, and are distinguishable for at least the same reasons as claim 18, and further in view of the various features recited therein.

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By: /Steve Chang/
Steve S. Chang
Registration No. 42,402

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001